



**International Covenant on  
Civil and Political Rights**

Distr.: General  
11 July 2018

Original: English

---

**Human Rights Committee  
123rd session**

**Summary record of the 3497th meeting**

Held at the Palais Wilson, Geneva, on Friday, 6 July 2018, at 10 a.m.

*Chair:* Mr. Shany

**Contents**

Consideration of country situations in the absence of reports, pursuant to rule 70 of the Committee's rules of procedure (*continued*)

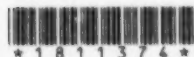
*Situation in the Gambia considered in the absence of a report (continued)*

---

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.

GE.18-11374 (E) 110718 110718



Please recycle



*The meeting was called to order at 10.05 a.m.*

**Consideration of country situations in the absence of reports, pursuant to rule 70 of the Committee's rules of procedures (continued)**

*Situation in the Gambia considered in the absence of a report (continued)*  
(CCPR/C/GMB/Q/2; CCPR/C/GMB/Q/2/Add.1)

1. *At the invitation of the Chair, the delegation of the Gambia took places at the Committee table.*

2. **Mr. Marenah** (Gambia), resuming his delegation's replies to the questions raised at the previous meeting, said that disaggregated data on the number of perpetrators of sexual violence, prosecutions and repeat offenders would be provided during the session or subsequently submitted in writing.

3. The only aspect of the Women's Act of 2010 that discriminated against women was the provision governing inheritance: according to sharia law, the share of a deceased's estate for female heirs was only half that for male heirs. It would be difficult to change that rule, but Muslim families wishing to deviate from it were free to do so within the context of their family. If an inheritance dispute was brought before a Cadi court, however, the court would rule on the basis of the relevant provisions of sharia law.

4. The National Assembly had approved ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; the instrument of ratification was being prepared for signature by the President and would be deposited with the United Nations shortly thereafter.

5. The Act establishing the Truth and Reconciliation and Reparations Commission provided that the Commission could recommend the granting of amnesty on application by the accused, but it was for the Government to decide whether or not amnesty was granted. The Act also provided that no amnesty must be granted for acts that formed part of a crime against humanity.

6. The definition of acts of terrorism set forth in section 2 of the Anti-Terrorism Act of 2002 was admittedly inadequate. The Committee's concerns in that respect would be taken on board during the planned review of criminal justice legislation, and steps would be taken to bring the definition into line with best practice.

7. **Mr. Barry** (Gambia) said that the abortion rate was particularly high among very young women, including school-aged girls, although there were no reliable statistics. Since abortion was illegal unless the mother's life was at stake, hospitals were only involved if complications arose. Such cases were normally registered as emergency cases, rather than abortions. When a woman sought assistance at a hospital, the staff's first and foremost concern was her health, not her legal situation. Health-care workers were unlikely to report such cases to the police. If the woman died, the police might be notified, but autopsies were not performed as a matter of standard procedure. Moreover, should the woman die from a clandestine abortion at home, the cause of death, or even the death itself, might be kept secret by the family. Given those circumstances, it was not possible to provide statistics on maternal mortality associated with clandestine abortions.

8. **Ms. Jaiteh** (Gambia) said that the introduction of the School Improvement Grant had greatly improved school enrolment rates, especially in rural communities, with levels of 90–100 per cent being achieved. There were no statistics on literacy, but the presumption was that if a child attended four to six years of school, he or she would be literate. A household survey to obtain reliable data on literacy rates was being planned.

9. **Mr. Sonko** (Gambia) said that, in a bid to raise awareness of the harmful effects of female circumcision, a series of advocacy activities had been conducted over the previous five years. Government and non-governmental organizations had met with specific target groups, including women's groups, religious leaders, schoolchildren, health-care workers and the judiciary. The Government had also engaged with law enforcement agencies, including migration officials, to raise awareness of the cross-border dimensions of female genital mutilation (FGM).

10. In order to assess the status of implementation of the National Policy for the Advancement of Gambian Women 2010–2020, a midterm review had been conducted in 2017. The review had revealed challenges to implementation, which were mostly owing to a lack of financial and human resources. Efforts had been made to advance women's empowerment and mainstream gender in sectoral policies and programmes. The biggest achievement to date was the increased legal protection of women and girls through the implementation of the Domestic Violence Act of 2013, the Sexual Offences Act of 2013 and the Women's (Amendment) Act of 2015. Although child marriage was criminalized, there had been no prosecutions. Instead, the Department of Social Welfare took action on cases brought to its attention, seeking to resolve the situation in the best interest of the child.

11. **Mr. Politi** asked whether it was true that, to date, torture was not established as a punishable offence in the Gambian Criminal Code. If so, the delegation should indicate what was being done to remedy the situation while the State party was in the process of acceding to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. According to information brought to the Committee's attention, torture and ill-treatment of detainees by the security forces was commonplace. What had been done to prevent and punish those persistent acts of torture in detention facilities? More information about the number of prosecutions of officials of the National Intelligence Agency and other law enforcement officials accused of torture in the previous five years would be appreciated. Was it true that the Indemnity (Amendment) Act of 2001 gave the President authority to grant immunity and that perpetrators of torture were therefore rarely prosecuted? He would appreciate clarification of the question of whether the Act was in the process of being repealed. It would be useful to know whether participation in the recently introduced training programmes for preventing torture in places of detention was mandatory for police and prison officials before they assumed their functions.

12. The delegation should provide information on measures aimed at reducing the length of pretrial detention and speeding up trials. In the light of the State party's assertion that all political prisoners had been released since January 2017, details of the number of political prisoners in detention at that time and during the previous five years and the charges against them would be appreciated. Had they been given a fair trial?

13. He asked whether it was true that police officers and other members of the security forces often arbitrarily arrested and detained citizens for longer than the maximum legal period of 72 hours without bringing formal charges. If so, the delegation should indicate what was being done to remedy the situation. Additional information about the bail system would also be appreciated, and in particular about the reportedly frequent denial of bail applications filed by persons charged with minor offences. He wished to know whether the military decrees giving the National Intelligence Agency and the Ministry of the Interior broad powers to detain individuals indefinitely without bringing charges "in the interest of national security" continued to apply.

14. The delegation should describe the measures taken to improve the reportedly inhuman conditions of detention, particularly in the Mile Two State prison, and indicate whether the mass release of political prisoners had helped alleviate the situation. It would be useful to learn about the precise functions of the Prison Visiting Committee and its membership, and about the Office of the Ombudsman's role in overseeing conditions in places of detention. What steps had been taken to ensure the separation of juveniles on remand from adults? Did the State party have any plans to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment?

15. **Mr. Koita** said that, although the Gambia was a country of origin, transit and destination of trafficking in persons, little seemed to be done to implement the minimum standards for the elimination of trafficking. It was difficult to understand why those crimes were not afforded the same treatment as other serious offences. It was unclear whether that was a matter of a shortage of financial and human resources or a lack of political will, given that the legal infrastructure was in place. The delegation should indicate whether there were plans to increase the financial and human resources allocated for the National Agency against Trafficking in Persons and to investigate and prosecute crimes of human trafficking, including those involving public officials. It would also be useful to learn about measures

taken to train law enforcement officials in implementing anti-trafficking legislation. The Trafficking in Persons Act of 2007, as amended in 2010, the Children's Act of 2005 and the Tourism Offences Act of 2003 all provided for stiff penalties which, if imposed, would certainly act as a deterrent.

16. With regard to forced labour, while acknowledging that the State party had reported that public officials were no longer obliged to work on the farms of the President, he wondered if any arrangements had been made or any fund established to compensate the victims of that practice.

17. **Mr. Muhumuza** said that he was grateful for the information on the treatment of refugees. Given that the State party lacked any transit centres, he wished to know how and where refugees and asylum seekers were actually received and what steps the State party was taking to establish such centres. He asked what percentage of government spending was earmarked for the management of refugees and asylum seekers and how such resources were allocated. If, as the Committee had been led to believe, refugees were treated as part of a community rather than as individuals or families, he would like to know how the State party was supporting those communities.

18. He welcomed the efforts of the State party to overhaul the judiciary. However, he wished to have further details of how judges were appointed under the new system. In particular, he wondered how much autonomy the President had in that process and what checks were in place to ensure that only suitably qualified and properly vetted candidates were selected. Further, he would like to know how the exercise of budgetary autonomy applied to the judiciary and whether the latter's budget was taken directly from the consolidated revenue fund. He would welcome information on the scope of the work to be done by judicial officers from the Commonwealth Secretariat in tackling the backlog of cases and wondered how the process was safeguarded from reflecting the challenges of judges on a contract system. He would be equally grateful to know how the Judicial Ethics Committee was constituted and what systems were in place to ensure its independence and effectiveness. He also wished to have a timeline leading to enactment of the Judges Remuneration Allowances and Other Benefits Bill, given the importance of that piece of legislation for the reform of the legal system.

19. He appreciated the information on access to legal counsel but wished to have further details on the quality of legal aid services provided to suspects. Specifically, he wondered how helpful such services were to persons accused of capital crimes. He would like to know what systems were in place to afford lawyers sufficient protection from harassment and intimidation by law enforcement officers, to hold officers accountable for past violations and to prevent them from exceeding their mandate in their interaction with lawyers.

20. He was pleased to have information on the Cadi courts but wished to know whether an oversight mechanism had been established to monitor their judicial operative framework. If review decisions handed down by the Cadi courts were final, he would like to know what checks and balances were in place to ensure that proceedings were fair and impartial. Similarly, he wished to know what steps had been taken to reform the military courts and what oversight mechanisms had been instituted to ensure that they complied with due process and the requirements of a fair trial.

21. **Mr. Ben Achour** said that the State party's efforts to promote press freedom were commendable. Given the scale of that task following the persecution of journalists and human rights defenders under the former regime, he wished to know how much progress had been made and whether any bills had been tabled with a view to enshrining press freedom in domestic legislation. The Committee was concerned at reports that a woman had been arrested for breach of the peace in February 2017 after allegedly insulting the President and then freed on bail some weeks later. He understood that the magistrates' court had subsequently dismissed the case. He would appreciate hearing the delegation's views on that case. He also wished to know whether any steps had been taken to pay damages to the families of journalists who had suffered human rights abuses under the former regime, in line with the decisions handed down by the Court of Justice of the Economic Community of West African States (ECOWAS).

22. The State party had reported that the Non-Governmental Organisation Act of 1996 was due to be reviewed. However, since that Act set out draconian conditions for the registration of NGOs, he wondered if the State party would consider repealing it. Information on progress in that regard would be appreciated.

23. Lastly, he wished to point out that a certain interpretation of Islam allowed hereditary inequality on the basis of sharia law, but other interpretations or doctrines established gender equality. Certain countries were indeed reviewing their family legislation to ensure gender equality while respecting the tenets of Islam.

24. **Ms. Waterval** said that the Committee was concerned about the reported difficulties in registering some births. She wondered whether the State party planned to deploy mobile registration units in remote regions and to ease restrictions on the registration of children born out of wedlock. While birth registration was free, a penalty was imposed for late registrations. She would be grateful to know how much that penalty was.

25. She understood that the Independent Electoral Commission had played an important role in the recent presidential, parliamentary and local elections and wished to know how the independence and financial autonomy of that body was guaranteed. She would welcome information on the role of the Inter-Party Committee and how it was related to the Commission. Furthermore, she wondered how well the coalition parties had worked together since the election.

26. The Committee had yet to receive an answer to its question about the number of prosecutions and convictions of lesbian, gay, bisexual, transgender and intersex persons. It also urged the State party to decriminalize homosexuality and extend the scope of its equality laws to include non-discrimination on the grounds of sexual orientation and gender identity.

27. **Mr. Heyns** said that some of his questions remained unanswered. He wished to know precisely what was meant in the Constitution and the Criminal Code by reasonable force, which was a rather broad term. He was also concerned that police immunity was provided for under the Indemnity (Amendment) Act of 2001 and wondered whether the State party planned to align provisions on the use of force with international standards. As a follow-up to Ms. Waterval's questions on the protection of minors, he would like to know what steps the Government was taking to tackle the issue of juvenile corporal punishment. In addition, he wished to have further information on the mandatory payment of deposit fees by local election candidates.

28. While noting the Government's efforts to disseminate information on the Covenant, he stressed the need for university-level education on the Optional Protocol to the International Covenant on Civil and Political Rights. He also wished to know whether the State party would consider educating school pupils on human rights and the Covenant, as certain other African States did.

29. **Mr. Santos Pais** said that he wondered whether, in addition to setting up regional high courts, the State party would consider establishing itinerant courts as a means of improving the local delivery of justice. In addition, while welcoming information on the independence of the judiciary, he emphasized the importance of a strong and autonomous public prosecution service. He wished to know whether that service would have a hierarchical or decentralized structure, whether it would have oversight of police conduct, whether its work would be based on the principle of opportunity or legality, whether it would handle only criminal cases or also civil ones, and how many female public prosecutors were currently in office.

*The meeting was suspended at 11.20 a.m. and resumed at 11.40 a.m.*

30. **Mr. Marenah** (Gambia) said that the Government had recently ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and was shortly due to deposit an instrument of ratification for the Second Optional Protocol to the International Covenant on Civil and Political Rights. It regretted the absence of provisions on torture prevention in its domestic legislation and the consequent failure to appropriately charge and convict past perpetrators, and it was prioritizing the inclusion of such provisions in its reform of the legal system. It was also

consulting regularly with the Committee Against Torture on the training of security personnel and law enforcement officers. Plans were afoot to repeal the Indemnity (Amendment) Act of 2001.

31. An interministerial task force had been established to assess the situation of pretrial detainees. Its findings would inform recommendations to the Chief Justice on the establishment of special courts to expedite the cases of long-term detainees. One of the new President's first executive actions had been to release all political prisoners. The most common political offences for which people had been imprisoned or convicted included treason, abuse of public office and protesting without a permit. The Government's long-term objective was to review and reform legislation to ensure that Gambians were able to exercise their constitutional rights freely. Efforts were being made to ensure that a strong judiciary was in place to prevent convictions for offences that did not align with international standards.

32. Arbitrary arrest had become a thing of the past. Breaches of the law that people could not be detained without charge for over 72 hours had not been eliminated but occurred much less frequently than previously. For example, following two deaths at the protest in Faraba Banta, five paramilitary officers had been taken to court after 72 hours in custody, to ensure that they remained lawfully detained. The Government aimed to improve civic education and raise awareness of rights among the public and law enforcement officers.

33. Over the previous year, prosecutors had been making efforts not to oppose the setting of bail, except in cases of capital offences or repeat offenders considered a danger to society. As a result, there were very few reported objections to bail conditions. Under the guidance of the Chief Justice, magistrates were receiving training to ensure that they set reasonable bail conditions with due regard for human rights.

34. The National Intelligence Agency Decree remained in force, although the Agency had been instructed not to carry out arrests or detentions. The State Intelligence Security Bill was undergoing consultation to ensure that the Agency complied with international standards for intelligence agencies. It was hoped that the Bill would be passed into law in late 2018, after which the Decree would be repealed.

35. The National Agency against Trafficking in Persons had been established in 2007 and had been rated as a Tier 2 agency in the 2018 Trafficking in Persons Report published by the United States Department of State. The Government continuously collaborated with international partners to combat trafficking in persons. The Agency worked to combat cases of trafficking for labour and sex work, notably in the tourist industry, and had conducted raids and made arrests. For example, in June 2018 two Nigerian women had been arrested for their involvement in the attempted trafficking of a child from Nigeria. However, existing trafficking legislation had proved unable to sufficiently address smuggling, which was not directly criminalized and was therefore difficult to police.

36. There were no talibes in the Gambia at present. However, some Gambian parents sent their children to Qur'anic schools in Senegal or Guinea-Bissau, where the children could become involved in begging. It was difficult to monitor and police such movements, as the children were not sent abroad in organized groups and travelled using ordinary routes and modes of transport.

37. Under the previous President, former public officials had been subject to forced labour on the farms in his home village. The practice had ended and the victims were entitled to compensation. Their complaints would be heard by the Truth, Reconciliation and Reparations Commission, which could recommend the payment of compensation.

38. The new Chief Justice had streamlined the process for appointing judges. All potential judges were required to pass a test set by the Gambia Bar Association, which then approved those recommended for appointment. In the previous year, 12 new superior court judges had been appointed, including Gambian lawyers who had returned from working abroad, and the high calibre of personnel ensured that the Court commanded respect. Moreover, the contract judge system had been abolished, since the independence of the judiciary had been negatively affected by contract judges being dependent on the

Government for the renewal of their contracts. However, the removal of those judges had resulted in a capacity shortage in the legal system; temporary judges and technical assistance had therefore been requested from the Commonwealth and other common law countries.

39. An independent Judicial Ethics Committee had been established within the Judicial Service Commission, which was responsible for overall supervision of the judiciary. The Committee's members included at least two members of the Commission, a sitting judge from the Court of Appeal and a member of the Gambia Bar Association. The Committee could receive complaints from the public and from legal practitioners. It had the necessary independence to address allegations of misconduct on the part of judicial officers, although there had been few such complaints in the previous year.

40. Under the new Chief Justice, the judiciary prepared its own budget for direct submission to the National Assembly, rather than to the Ministry of Finance and Economic Affairs. That change would improve the budgetary autonomy of the judiciary and ensure that it was allocated adequate resources.

41. The Judges Remuneration Allowances and Other Benefits Bill would ensure that judicial officers were adequately remunerated and provided for their pensions. It was hoped that the Bill would encourage Gambian legal practitioners working abroad to take up positions within the country. The Bill would likely come before the National Assembly by the end of 2018.

42. Although the integrity of the judicial system had not been guaranteed under the previous Government, the judicial system now enjoyed greater independence and it was hoped that oversight mechanisms would prevent potential miscarriages of justice. The relationship between legal practitioners and law enforcement officers had been restored to one of mutual respect. As a result, there were no longer any incidents of harassment of legal practitioners by law enforcement agents, nor were future incidents predicted. An agency had been established to provide legal services to indigent Gambians. Such assistance, which had previously been restricted to capital offences, had been very effective in guaranteeing legal representation. It was hoped that increased human and financial resources could induce more experienced and qualified lawyers to provide their services.

43. The Cadi court system fell within the mandate of the Office of the Chief Justice and oversight within the system was provided by the Cadi Appeals Panel. Cadi court officers were considered judicial officers and were subject to the decisions of the Judicial Ethics Committee in the event of any misconduct. Military courts were limited to addressing military offences and were subject to adequate oversight procedures. Their decisions were not final, as a convicted person could appeal to the Court of Appeal and then to the Supreme Court.

44. The Ministry of Justice and the Ministry of Information and Communication Infrastructure had collaborated with the non-governmental organization (NGO) Article 19 to review and reform all media laws. They aimed to develop a freedom of information bill that could be approved by the end of 2018 for enactment in 2019. Such a bill would greatly help to ensure access to information among legal practitioners and the general public.

45. Under existing legislation, insulting the President continued to be regarded as sedition, although provisions related to freedom of expression were undergoing review as part of efforts to reform legislation on the media and criminal justice. A woman had been arrested and charged under that legislation in January, although the case had been withdrawn on the advice of the executive, and the Ministry of Justice had advised against prosecution when a man had been taken to court on sedition charges for insulting the President on social media. Such arrests would be stopped and it was hoped that no one would be convicted under those provisions before they were reformed. However, as traditional cultural respect for leaders had declined, citizens must learn to exercise freedom of expression responsibly, rather than baselessly insulting public officials.

46. Regarding the judgments of the ECOWAS Court of Justice, the families of Chief Ebrima Manneh and Deyda Hydara had so far received half of the judgment sum, although

Musa Saïdykhan had not accepted payment in instalments. It was hoped that all remaining payments would be made by the end of 2018.

47. The decree on NGOs was under review and a replacement NGO bill had been drafted and sent to the Ministry of the Interior for consultation. The aim of the bill was to reform the requirements for registration and operations of NGOs in the Gambia.

48. The constitutional framework ensured a certain degree of autonomy for the Independent Electoral Commission, which had proved its independence by declaring victory for the opposition coalition following the most recent election. New constitutional provisions should ensure that the Commission was able to operate without interference by eliminating existing legislative provisions allowing the Commission's Chair or members to be removed by the executive without due process or cause. The Commission and the Inter-Party Committee worked together to resolve problems related to permits for meetings held by political parties, conflicts between supporters of different political parties and other issues. The Inter-Party Committee had helped to ensure that the recent parliamentary and local government elections ran smoothly. Those elections had been considered free and fair by international and local observers, including the European Union Election Observation Mission, whose report was available online. For the first time in 20 years, almost all political parties were represented in the parliament, including the former ruling party, which, in the interests of democracy, the Government had refused to ban, despite public pressure to do so. All political parties had access to all State and non-State media outlets. The deposit payable by candidates for local government elections had been drastically reduced, from US\$ 1,000 to US\$ 50.

49. Although the legal provisions that criminalized homosexuality had not been repealed, the Government had made a commitment not to enforce them and no members of the lesbian, gay, bisexual, transgender and intersex (LGBTI) community had been prosecuted or convicted under them. While the Government recognized the right of all persons to freedom of sexual orientation, it was also accountable to the Gambian people, whose attitudes were shaped by a particular social, cultural and religious context; it would not repeal the legislation in question unless the Gambian people were in favour of doing so. The constitutional review process and the reform of the criminal justice system would be an opportunity to gauge public opinion on the matter. The issue of the use of force by law enforcement officers would also be addressed during the constitutional review process.

50. Human rights education was provided at university level but not in schools. The Government would consider reinstating civic education in secondary schools, with a view to improving the dissemination of information on human rights and the Covenant. As part of efforts to decentralize the justice system, travelling magistrates had been appointed to improve access to justice for people living in remote areas; those magistrates were based in regional capitals and travelled to specific districts as required.

51. The status of the Office of the Director of Public Prosecution and its relationship with the Government would be reviewed during the constitutional reform process. The Office did not directly supervise the operations of law enforcement officers or intervene in the investigation of criminal offences. However, its role in that respect was under review and would be the subject of a position paper, since it could be argued that the Office should provide more guidance to police officers during investigations, in order to ensure that the prosecution of a case did not fail as a result of flaws in the investigation. He was proud to report that 69.6 per cent of prosecutors were women; it was hoped that similar progress could be achieved towards gender parity in the National Assembly and the Cabinet.

52. **Mr. Barry** (Gambia) said that a total of 1,824 abortions had been reported in 2017, compared with 2,098 in 2016 and 1,607 in 2015. The number of referrals in complicated cases had totalled 205 in 2017, compared with 307 in 2016 and 253 in 2015.

53. Birth registration was free for all children up to the age of 5 years and cost only US\$ 0.25 for children older than 5 years. In cases where a child had been born out of wedlock and the father did not wish to accept responsibility for the child, the father's name was recorded in the civil registration system but omitted from the child's birth certificate. If the father accepted responsibility for the child at a later stage, a new birth certificate indicating the father's name was issued. Community health workers were responsible for

performing outreach work in rural areas and encouraging mothers who had given birth outside health facilities to report the birth at the nearest health facility and to have their child vaccinated and registered. There were around 65 birth registration centres throughout the country. Steps were being taken to establish a single registration system, in which each person would be issued with an identification number that could be used in all identity-related procedures.

54. **Ms. Jaiteh** (Gambia) said that the Government had established a zero-tolerance policy on corporal punishment. That policy had been brought to the attention of teachers and parents and was reflected in minimum standards that had been issued.

55. **Mr. Dibba** (Gambia), noting that many ministers in the current Government had been incarcerated under the previous regime and thus had first-hand experience of the prison system, said that the Government was committed to improving prison conditions and had established two committees to that end. The first was a fully independent prison visiting committee that was responsible for monitoring prisons and investigating reports of torture, violence and poor conditions of detention. The second was a special committee of lawyers that had been tasked with drawing up recommendations on improving prison conditions and reviewing the Prison Act; the report prepared by that committee would be submitted to the Government shortly.

56. The Government was working with the Office of the United Nations High Commissioner for Refugees (UNHCR) to address the challenge of providing housing for refugees, many of whom were reluctant to move from urban areas to less crowded rural areas. Some temporary transit centres for refugees had been set up; however, in many cases, refugees had relatives in the Gambia and preferred to live with them rather than in a temporary transit centre.

57. **The Chair** invited the Committee members to address follow-up questions to the delegation, on the understanding that the State party would respond in writing after the meeting.

58. **Ms. Waterval**, noting that the delegation had reported that no members of the LGBTI community had been prosecuted or convicted, said that she would like to know whether any members of that community had been arrested. She would also appreciate information on the policy regarding birth registration for refugee children. Lastly, she wondered whether the number of years that a refugee must have spent in the Gambia in order to be eligible for Gambian citizenship took into account the number of years that the person had spent as a refugee.

59. **Mr. Heyns** asked whether accurate records of events that had occurred under the previous regime had been kept and would be passed on to the Truth, Reconciliation and Reparations Commission.

60. **Mr. Politi** asked whether the two judicial remedies available to victims of arbitrary arrest and detention under sections 18 (6) and 37 of the Constitution were cumulative or alternative and how many complaints had been submitted under those sections.

61. **Mr. Marenah** (Gambia) said that his Government was grateful for the opportunity to appear before the Committee in the absence of a full report and would take on board the Committee's recommendations. It was committed to the ideals enshrined in the Covenant and would henceforth take its reporting obligations very seriously. The constitutional review process and the criminal justice system reform would be an opportunity to align the Constitution and national legislation with the Covenant and to redefine the position of international law within the national legal order.

62. **The Chair**, recalling that the second periodic report of the Gambia had been due in 1985, said that the Committee was pleased to engage with the State party after such a lengthy delay. It welcomed the State party's commitment to ratifying the second Optional Protocol to the Covenant and the steps taken to establish a new constitutional order, taking into account international human rights standards. The Committee's concerns, which included the need to compensate victims of crimes committed under the previous regime, the conditions in prisons and the regulation of abortion, would be reflected in its concluding observations. The Committee would discuss the extent to which the State party's written

and oral replies constituted a report. In future, the State party should consider opting for the simplified reporting procedure, which helped to alleviate the burden of reporting.

*The meeting rose at 1.05 p.m.*